

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

vs.

Criminal Action 2:18-cr-182(3)
JUDGE ALGENON L. MARBLEY

MERCEDES GREEN

REPORT AND RECOMMENDATION

Defendant Mercedes Green previously pleaded not guilty to an *Indictment* charging her with conspiracy to defraud the United States in violation of 18 U.S.C. § 371. *Indictment*, ECF No. 3. The United States and defendant thereafter entered into a plea agreement pursuant to which defendant agreed to enter a plea of guilty to that charge. On March 13, 2019, defendant, accompanied by her counsel, appeared for a change of plea proceeding.

Defendant was directed to report to Pretrial Services immediately following the change of plea proceeding and to undergo drug screening. The results of that screening indicated that defendant may have been, during the change of plea proceeding, under the influence of illicit drugs. The Court cannot be confident that defendant's tendered guilty plea was knowingly and voluntarily made with understanding of the nature and meaning of the charge and of the consequences of the plea.

Under these circumstances, it is **RECOMMENDED** that defendant's guilty plea to Count 1 of the *Indictment* **NOT BE ACCEPTED AT THIS TIME.**¹

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part

¹ Bail revocation proceedings are currently pending against defendant and defendant has been ordered temporarily detained in the custody of the Marshall. It is anticipated that another change of plea hearing might be

thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); F.R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. F.R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Federation of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

March 13, 2019
Date

s/ Norah McCann King
Norah McCann King
United States Magistrate Judge

scheduled, if otherwise appropriate, at a later date.